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Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In The Matter of

Telephone Number Portability

CC Docket No. 95-116  
RM 8535

**SUPPLEMENTAL COMMENTS OF THE  
TELECOMMUNICATIONS RESELLERS ASSOCIATION**

The Telecommunications Resellers Association ("TRA"), by its attorneys and pursuant to Public Notice, DA 96-358 ("Notice"), hereby submits its Supplemental Comments in the captioned rulemaking proceeding. In its Notice of Proposed Rulemaking initiating this proceeding ("NPRM"), the Commission sought public comment on a variety of issues dealing with number portability, including the need for service provider and other forms of number portability, how and when number portability should be implemented and in what form, and what role the Commission should play in the implementation process.<sup>1</sup> The Notice requests further comment on how the passage of the Telecommunications Act of 1996 impacts these matters.<sup>2</sup>

In its Comments and Reply Comments, the Telecommunications Resellers Association ("TRA"), an organization consisting of more than 450 resale interexchange and other

<sup>1</sup> Telephone Number Portability, Notice of Proposed Rulemaking, CC Docket No. 95-116, RM 8535, FCC 95-284 (released July 13, 1996).

<sup>2</sup> Pub. L. No. 104-104, 110 Stat. 56, § 253 (1996).

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(local, wireless and internet) carriers and their underlying service and product suppliers, agreed with the Commission that the availability of service provider number portability is essential to the development of competitive local telephone service markets. TRA, accordingly, urged the Commission to mandate the implementation of service provider number portability, and in so doing, to prescribe the standards and terms on which and the deadlines by which service provider number portability would be deployed nationwide. TRA took the position that the Commission had the authority to preempt state action in this area and urged it to exercise that authority to ensure a uniform nationwide number portability policy.<sup>3</sup>

The Telecommunications Act of 1996 ("96 Act") reaffirms the key role service provider number portability will play in fostering the broad availability of competitive local telephone service offerings, as well as the importance of the Commission's assumption of a leadership role in developing a nationwide number portability regime. The '96 Act equates "Number Portability" with service provider number portability, defining it as "the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another."<sup>4</sup> Having so defined number portability, the '96 Act imposes on all local exchange carriers ("LECs") in Section 251(b)(2), "[t]he duty to provide, to the extent technically feasible, number portability in accordance with requirements prescribed by the Commission."<sup>5</sup> The Commission is given six months by Section 251(d)(1) of the '96 Act to

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<sup>3</sup> TRA Comments, filed Sept. 12, 1995 and Reply Comments, filed Oct. 12, 1995.

<sup>4</sup> 47 U.S.C. § 153(a)(46).

<sup>5</sup> 47 U.S.C. § 251(b)(2).

develop implementing regulations.<sup>6</sup> Other than the definition quoted above, however, the sole guidance provided by the '96 Act to the Commission in performing this task is Section 251(e)(2)'s directive that the costs of establishing number portability should be borne "by all telecommunications carriers on a competitively neutral basis as determined by the Commission."<sup>7</sup> Of course, the availability of number portability is one of the items comprising the "Competitive Checklist" an RBOC must satisfy before it can provide interLATA services originating in any of its "in-region" States.<sup>8</sup>

The authority of the Commission to establish uniform national service provider number portability standards and requirements is clear, as is the Commission's duty to allocate the cost burden associated with the deployment of number portability in individual markets. The States are not assigned a specific role by the '96 Act in determining the form or timing of number portability. Thus, although State action is not expressly foreclosed, any action taken by a State with respect to this matter must be consistent with Commission-mandated requirements or be subject to federal preemption under Sections 251(d) and 251(e)(2).<sup>9</sup>

The Commission then should move forward expeditiously to carry out its statutory responsibility to develop implementing guidelines which will produce a number portability scheme which (i) is technically feasible, (ii) can be expeditiously accomplished on a

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<sup>6</sup> 47 U.S.C. § 251(d)(1).

<sup>7</sup> 47 U.S.C. § 251(e)(2).

<sup>8</sup> 47 U.S.C. § 271(c)(2)(B)(xi). Until such time as the Commission has issued its implementing regulations under Section 251(d)(1), "interim telecommunications number portability through remote call forwarding, direct inward dialing trunks, or other comparable arrangements, with as little impairment of functioning, quality, reliability, and convenience as possible" will be deemed to suffice.

<sup>9</sup> 47 U.S.C. § 251(d) and § 251(e)(2).

competitively neutral basis, and (iii) will not impair service quality, reliability or convenience. An industry consensus has emerged over the last six months that Location Routing Number ("LRN") is the call model that will best accomplish these demanding objectives; indeed, LRN is supported by all major IXC's, a majority of the RBOCs and a number of prospective competitive local exchange carriers ("CLECs") and commercial mobile radio service ("CMRS") providers. The Commission, accordingly, should endorse a nationwide database solution utilizing LRN and fix an implementation date in mid to late 1997.

Certainly, LRN has been shown to be technically feasible and expeditiously achievable. Key equipment vendors have committed to necessary software and hardware availability by second quarter of 1997.<sup>10</sup> In all states in which the issue of number portability has been addressed in the regulatory arena or in industry forums, LRN has emerged as the preferred solution.<sup>11</sup> The State of Georgia has set a mid 1997 initial implementation date for number portability utilizing LRN;<sup>12</sup> the State of Illinois has not only supported this aggressive implementation schedule, but has already issued requests for proposals for an LRN-associated service management system ("SMS") and anticipates that the SMS will be operational by first quarter, 1997.

The benefits of an LRN database solution implemented nationwide are well documented. Obviously software and hardware design is simplified by mandating a uniform number portability scheme. Interoperability complexities are likewise reduced because consistent

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<sup>10</sup> *E.g.*, Lucent, Nortel, Seimens, Ericcson, and AGCS.

<sup>11</sup> *E.g.*, California, Illinois, Maryland, Georgia, New York, Colorado and Florida.

<sup>12</sup> Local Telephone Number Portability Under Section 2 of the Telecommunications Competition and Development Act of 1995, Dock No. 5840-U (decided Feb. 20, 1996).

technology. Database definition and structure will be consistent, as will operating procedures among different carriers. And implementation difficulties are eased by not only avoiding the need to coordinate among multiple solutions, but by allowing for use of uniform interfaces to carriers' networks. This is not to suggest that number portability must be implemented nationwide on a flashcut basis, although this would be TRA's preferred approach. LRN allows for geographic phase-in if necessary to speed deployment. And LRN is flexible enough to accommodate both location and service portability in the future and can operate equally as well in the wireless environment.

Cost recovery guidelines have, as noted above, been mandated by the '96 Act. Section 251(e)(2) clearly requires that costs be allocated among all carriers engaged in the provision of local exchange service on a competitively neutral basis. Section 251(e)(2) certainly does not allow for the recovery of all costs from new market entrants. Such an approach is not only not "competitively neutral" given that it grossly favors incumbent LECs, but is flatly inconsistent with the '96 Act's directive that costs be borne by all telecommunications carriers. And this slanted approach is no more compatible with the '96 Act when associated with an interim number portability solution than it is when associated with a permanent number portability architecture.


Finally, the '96 Act mandated prompt action both by the Commission and the industry in bringing number portability to the consuming public. The '96 Act allows the Commission six months to adopt implementing regulations and, based on its seemingly limited tolerance for an interim number portability solution, appears to contemplate actual deployment of a permanent architecture shortly thereafter. As the Commission has recognized, the public will derive great benefit from the competitive impetus service provider number portability will provide

in the local exchange market.<sup>13</sup> The incentives for delay by incumbent IXC's, however, are manifest; The desire to preserve monopoly turf is a compelling motivation. Dismantling the local exchange "bottleneck" without service provider number portability, however, will be impossible. Hence, the '96 Act, with its strong pro-competitive theme, will not tolerate delay and neither should the Commission.

TRA, accordingly, submits that aggressive action by the Commission to mandate the nationwide availability of a uniform service provider number portability regime predicated on an LRN call model architecture is fully consistent with the Telecommunications Act of 1996. TRA thus urges the Commission to assume a strong leadership role not only in ensuring the deployment of this critical precursor to widespread local exchange competition, but that number portability is deployed in the competitively neutral fashion envisioned by the '96 Act.

Respectfully submitted,

**TELECOMMUNICATIONS  
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<sup>13</sup> NPRM at ¶ 22.